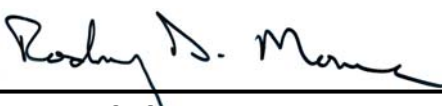


**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Chapter 7	Number 17	Effective Date 11/01/06	Review Date 2010
Subject DRUG TEST KITS			☐ New Order ☒ Replaces G.O. 302-3 (08/15/05)
References § 19.2-188.1, <u>Code of Virginia</u> Virginia Administrative Code, Title 6, Agency 20 (DCJS) General Order 3-12			
 Chief of Police or Designee		11/01/06 Date	

I. PURPOSE

The purpose of this directive is to establish the policy and procedures for the use of Drug Test Kits. The Department will utilize Drug Test Kits to identify substances believed to be illegal narcotics when there is a suspect and an arrest is imminent or has already occurred.

II. POLICY

It is the policy of the Richmond Police Department to engage in preliminary field narcotic testing on seizures of suspected controlled substances where there is a suspect and an arrest is imminent or has occurred. The ONLY test kits used will be those authorized by the Department and approved by the Virginia Department of Criminal Justice Services, Division of Forensic Science. This test will be conducted by a trained examiner, under the best conditions possible, in accordance with instructions and training.

III. PROCEDURES**A. General:**

1. Drug Test Kits will be available to personnel who have been trained in their use by certified Department instructors. They will be stored at the testing sites located at the Property and Evidence Unit in the Overnight Processing Room and at the Special Investigations Division. The tests should not be removed from the testing sites unless required by an extraordinary need. Any tests removed from these locations, due to an extraordinary need, must be documented in the Drug Test Kit Log Book located at each site.

2. The following equipment/supplies shall be located at each of the two (2) testing locations:
 - Drug Test kits
 - Disposable gloves
 - Cleaning solvent
 - Paper towels
 - Drug Test Checklist Protocol forms (PD-153 and PD-154)
 - Material safety data sheets
 - Biohazard disposal cans
 - Table with a smooth non-absorbent surface
 - Lighting over the table
3. Department personnel utilizing the Drug Test Kits shall attempt to identify the substance prior to performing the test by interviewing the suspect(s) and/or witnesses.
4. The recorder of the evidence should perform the test. If the recorder of the evidence has not been trained on the use of the Drug Test Kit, he/she will contact a trained examiner to conduct the test.
5. Narcotics found in public places without a suspect (found on roadside, etc.) will not be tested.
6. ***In all cases where suspected narcotics are seized and it is determined that there is enough substance present to be analyzed, and an individual has been charged or charges are imminent, the substance shall be tested utilizing the Drug Test Kits. (EXCEPTION: Paraphernalia containing residue will not be tested. These types of items must be submitted to the State Lab for testing.)***
7. ***Although the individual trained officer/examiner must determine the amount to be tested based on the quantity available, when a substantial volume of suspected narcotics is seized, he/she shall, in every instance, test the substance.***

B. Responsibilities of the trained officer/examiner:

1. To determine if a subject is to be arrested and charged with an offense involving a suspected controlled substance for which testing has been approved.
2. To determine whether the substance being analyzed appears to be a controlled substance for which a drug test is authorized and if sufficient quantities exist for analysis.
3. To conduct the preliminary drug test under the conditions outlined during training sessions and follow the protocol set forth on the appropriate Drug Test Checklist Protocol (PD-153 for cocaine and PD-154 for amphetamine/methamphetamine/MDMA/heroin, ***and PD-160 for marijuana/hash/hash oil.***)

NOTE: The officer may either test the substance before or after going to the magistrate. The Drug Test Kit results are not the basis for probable cause for the arrest but are to be used in place of the certificate of analysis at a preliminary hearing as permitted by VA Code § 19.2-188.1. ***As of July 1, 2006, officers are permitted to testify at trial for violations of simple possession of marijuana (VA Code §18.2-250), as to the results of a marijuana field test regarding whether or not any plant material is marijuana.***

NOTE: If an officer is not a trained examiner, he/she shall contact a trained examiner to perform the test. If the examiner is not the recorder of the evidence, the examiner must sign the chain of custody on the evidence bag.

NOTE: To avoid any contamination of the testing area, the table must be wiped down with the cleaning solvent and paper towels after each use.

4. If the test results come back “inconclusive”, the suspect will not be released. The substance in question will be submitted, via routine departmental procedures, to the State Lab for analysis.
5. Record the test results on the appropriate Drug Test Checklist Protocol and Results form and sign it. Log the test in a Test Log Book, indicating whether the test result was positive or inconclusive. ***The officer shall also note that a field test was conducted in the narrative of the IBR. Supervisors shall, when reviewing IBRs and arrest reports, ensure that the officer has included documentation of the field test kit in the narrative.***
6. At the conclusion of the test, place the test in the palm of one hand. Pull the disposable glove inside out with the field test now contained inside the glove.
7. ONLY dispose of the used test equipment safely in a biohazard container located in the Property and Evidence area when logging the drugs as evidence. DO NOT leave the tests at any crime scene or other location.
8. Follow all departmental procedures set forth in General Order 3-12, Handling Property and Evidence, for the handling of drugs.
9. Disseminate the appropriate Drug Test Checklist Protocol and Results form as follows:
 - Original – General District Court (***Officers shall staple the form to the original warrant or summons.***)
 - Copy 1 - ***Attach to*** the evidence bag
 - Copy 2 - ***Special Investigations Division***
 - Copy 3 - Officer’s copy
10. The appropriate Drug Test Checklist Protocol and Results form (PD-153, PD-154 ***or PD-160***) will become part of the case file.

C. Training:

1. All Personnel using the Drug Test Kits will be trained prior to performing tests.
2. Upon receiving training, the employee's supervisor will send a copy of the PD-17 to the Training Unit.
3. Supervisors will ensure that only trained personnel utilize the Drug Test Kits.

IV. ROLES AND RESPONSIBILITIES

A. Trained Officer/Examiner:

1. *Determines arrest status;*
2. *Attempts substance identification prior to test;*
3. *Conducts preliminary field test using Drug Test Kit;*
4. *Documents that a field test was conducted in the IBR narrative;*
5. *Completes required or related forms and follow dissemination procedures;*
6. *Submits paraphernalia to State Lab for testing, if applicable; and,*
7. *Follows disposal procedures.*

B. Supervisor:

1. *Ensures that officers under their command are properly trained in the use of Drug Test Kits;*
2. *Forwards PD-17 to Training Unit; and,*
3. *Ensures that the IBR narrative section includes a statement indicating that a Drug Test Kit has or has not been utilized, and the test results, if applicable.*

C. Property and Evidence Unit:

1. *Serves as a testing site; and*
2. *Stores Drug Test Kits, required equipment/supplies and biohazard containers.*

D. Special Investigations Division:

1. *Serves as a testing site; and,*
2. *Stores Drug Test Kits and required equipment/supplies.*

E. Training Academy:

Provides training in the use of Drug Tests and maintains PD-17 forms.

V. FORMS

A. Employee Training Course Completed Form, PD-17

B. Checklist Protocol and Results Form, PD-153 (Cocaine)

- C. Checklist Protocol and Results Form, PD-154 (Amphetamine/Methamphetamine/MDMA/Heroin)***
- D. Checklist Protocol and Results Form, PD-160 (Marijuana/Hash/Hash Oil).***